IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4861 OF 2005

M/s. Kinetic Engineering Associates ..Petitioner.

Versus

State of Maharashtra ..Respondent.

Mr.G.S.Hegde i/by Hegde & Associates for the Petitioner.
Mr. A.H. Palekar, AGP for the Respondent.

CORAM : S. A. BOBDE, J.
DATED : 20TH OCTOBER, 2005.

P.C.:

1. Rule returnable forthwith. Mr.Palekar, AGP for the Respondent waives service of rule. Heard by consent.

2. The petitioner’s main apprehension is that the decree against him might be executed before his application for setting aside the exparte decree is decided.

3. Admittedly, the petitioner has applied for stay of execution of the decree in the court of the Civil Judge, Sr. Division, Kolhapur by way of Misc. Application No. 328/2004. This application also

makes a prayer for condonation of delay and setting aside the exparte decree. It appears that, earlier that court was vacant. It is submitted that the court is now functioning since the charge of that court is given to Civil Judge.

4. In the circumstances, I am of view that it would be appropriate to direct the learned Civil Judge to decide the said Misc. Application as early as possible and in any case not later than 30th November, 2005.

5. Rule is disposed of in the above terms.

DT. 20.10.05 (S.A.BOBDE,J)

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